

COMMITTEE STATEMENT

LB 90

HEARING DATE: 1/26/99

COMMITTEE ON: Transportation

TITLE: (Cudaback, Schmitt) Change provisions relating to abandoned motor vehicles

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Jones, Baker, Janssen, Dw. Pedersen, C. Peterson, Thompson, Bromm
	No	
	Present, not voting	
1	Absent	Senator Hudkins

PROPONENTS

Kevin Stukenholtz
Pat McPherson

REPRESENTING

Nebraska State Patrol
City of Omaha

OPPONENTS

REPRESENTING

NEUTRAL

REPRESENTING

SUMMARY OF PURPOSE AND/OR CHANGES:

The original bill would be entirely superseded by the committee amendment. However, the provisions of the original bill have two purposes. First, a new category of vehicles is defined and added to the provisions of §§ 60-1901 through 60-1911: “unclaimed vehicles” are those that law enforcement agencies have taken into their possession, but which are no longer required for law enforcement purposes. New provisions are added to these sections to provide the means whereby “unclaimed vehicles” are processed by various agencies.

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Second, the provisions of §§ 60-1901 through 60-1911 are expanded so that both State Agencies and local authorities may utilize these statutes and take possession of abandoned and unclaimed vehicles.

1. A new definition would be added to § 60-1901. An “unclaimed vehicle” is one that:
 - * Left in the possession of a law enforcement agency or its agent;
 - * Possession of the vehicle was obtained by or at the direction of a law enforcement agency;
 - * The law enforcement agency no longer needs the vehicle for purposes of law enforcement; and
 - * The vehicle remains unclaimed for ninety days after the procedures found in Section 4 of this act are fulfilled.
2. In § 60-1902, references to use of these sections addressing abandoned vehicles would be expanded to include a state agency, as well as a local authority.
3. In Section 4 of the Bill, new language is added which governs the disposal of “unclaimed vehicle[s]” which are in the possession of a law enforcement agency. Once a vehicle is no longer needed for law enforcement purposes, the agency is required to send a notice to the last-registered owner of the vehicle: the notice must state that the vehicle is no longer needed, and that the owner has seven(7) days to reclaim the vehicle, or administrative and storage costs will be instituted.

If the vehicle is not claimed ninety days after this notice is personally delivered or mailed, title vests in the law enforcement agency.

If title vests, the law enforcement agency may sell at auction the vehicle, or (if the vehicle is worth less than the charges incurred in administering and storing it) the vehicle may be assigned to whomever was storing the vehicle.
4. A new sentence is added to § 60-1904, which allows State agencies to take custody of abandoned and unclaimed vehicles; previously, only the local authorities as outlined by this section could take custody of such vehicles.
5. In § 60-1911, a penalty section for violations of §§ 60-1901 through 60-1911 is updated to include violations of Section 4 of this act.

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Explanation of Committee Amendments

The committee amendment would supersede the entire original bill. The purposes of the committee amendments are to: (a) allow State agencies in certain circumstances to tow and dispose of abandoned vehicles; (b) create a means by which law enforcement agencies can clear out vehicles seized for investigative purposes; (c) expand the options by which a government entity may dispose of abandoned vehicles; and (d) increase the value at which a government entity may dispense with the more formal procedures for gaining title of an unlicensed abandoned vehicle. The following is a section by section summary of the Committee Amendment:

1. In section § 60-1901, a new category of abandoned vehicles is added to the current list. These are vehicles that have been left for thirty days in the custody of a law enforcement agency after the agency has sent a letter under Section 4. of the bill.

A subsection is also added which categorically removes vehicles subject to forfeiture from the provisions of § 60-1901 *et seq.*

2. There is a change to § 60-1902: for vehicles that are abandoned without current license plates, the value is raised from \$100 to \$250 at which the government entity need not follow the procedure found in § 60-1903 to gain title to an abandoned motor vehicle.
3. In § 60-1903, the procedure by which a governmental entity may take title to an abandoned vehicle is changed in the following ways:
 - a) State agencies are given the authority to use the procedures regarding abandoned vehicles;
 - b) Authority is given to all government entities to take a range of actions with respect to disposing of the abandoned vehicles -- the vehicles may be sold, offered at public auction, or retained by the government entity for use.
 - c) Notice must be sent to the last registered owner, if known: if a vehicle is sold or auctioned, title will vest in the government entity five days after the date on which the notice was mailed, and if the vehicle will be retained for use, title will vest thirty days after the date the notice is mailed; title will also vest as soon as it is determined that the last-registered owner can not be ascertained.
 - d) If a governmental entity is planning to retain an abandoned vehicle for use must also file an announcement in a newspaper of general circulation in the jurisdiction that the motor vehicle is being retained for use.

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4. A new section is added which sets the parameters for the new category of abandoned vehicles added in subsection 1. of the amendment. If a law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need of the motor vehicle, the law enforcement agency must send a letter to the last registered owner informing the owner that the law enforcement has no further need of the motor vehicle. The registered owner has thirty days to claim the motor vehicle: after thirty days, the vehicle becomes an abandoned vehicle. This section does not apply to motor vehicles subject to forfeiture under section 28-431.
5. In § 60-1904, new provisions are added to the section giving custody of the abandoned vehicles. For State agencies, while they may pick up abandoned vehicles, they retain custody only when the vehicle is abandoned after being held for investigative purposes. All other abandoned vehicles are put in the custody of the local jurisdiction in which the vehicle was abandoned.
6. In § 60-1905, the provision governing the use of proceeds from the sale of abandoned vehicles is modified to recognize those cases in which the State receives custody and title to an abandoned vehicle.
7. The language of § 60-1906 is updated and harmonized.
8. The provisions of § 60-1907 are updated to reflect that persons whose vehicles are taken into investigative custody are different than those who simply abandon a motor vehicle on the highway. Consequently, the provisions of this section are limited to abandoned vehicles under (new) subdivisions (1)(a), (b),(c) or (d) of § 60-1901: new subdivision (1)(e) is not included.
9. References to state agencies are added to § 60-1908.
10. References to state agencies are added to § 60-1909.
11. The language of § 60-1910 is updated and harmonized.
12. The language that sets out the penalties for violations of §§ 60-1901 to 60-1911 is amended to reflect the change to § 60-1907 (Section 8 of this Act).

Senator